




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,602	06/30/2001	Jurgen A. Heinz	19368-086997	5734
28886	7590	06/17/2004	EXAMINER	
CLARK HILL, P.C. 500 WOODWARD AVENUE, SUITE 3500 DETROIT, MI 48226			NGUYEN, THONG Q	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/869,602	Applicant(s) HEINZ, JURGEN A.	
	Examiner Thong Q Nguyen	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-50, 52, 54 and 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-50, 52 and 54-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The present Office action is made in response to the pre-amendment filed by applicant on Nov. 21, 2003. It is noted that the mentioned pre-amendment has not come into the Examiner's attention when the case is reexamined after the time of suspension requested by the applicant is expired.

It is noted that this Office action should be used as a substitute Office action for the office action mailed to applicant on Dec. 4, 2003. The time for response to this Office action is expired three months from the mailing date of this substitute Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 21, 2003 has been entered.

Response to Amendment

3. The present Office action is response to the pre-amendment filed on 11/21/2003 in which applicant has amended claims 45-50, 52 and 54-55, and canceled claims 51, 53 and 56-58. The remaining claims 45-50, 52 and 54-55 are examined in this Office action.

Oath/Declaration

4. The objection to the oath or declaration as set forth in the Office action (Paper No. 7, pages 2-3) of 8/20/2002 is repeated. It is noted that in the Pre-amendment of 11/21/2003, applicant has stated that the applicant will file a new Oath/Declaration; however, such a new Oath/Declaration has not been received by the Office at the time the application is reexamined.

Claim Objections

5. Claim 50/45 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 50/45 is objected to because the claim fails to further limit the subject matter recited in its base claim 45 by the recitation thereof "said control... to 2.5 volts" (lines 2-3). Applicant should note that the base claim, lines 14-21, recites that the voltage across the electrochromic mirror is controlled to less than 2.5 volts. The range from zero to 2.5 volts as claimed in claim 50, lines 2-3, is larger than the range recited in base claim 45.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 45-50, 52 and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schierbeek et al (U.S. Patent No. 5,659,423, of record) in view of

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Suzuki (U.S. Patent No. 4,634,835, of record) and Schofield et al (U.S. Patent No. 5,760,962).

Schierbeek et al discloses a modular variable reflectance mirror assembly for use with a vehicle having a vehicle power supply which provides vehicle voltage and vehicle current. The mirror assembly as described in columns 4-7 and shown in figures 1-3 comprises an electrochromic mirror (16) having a front surface and a rear surface; a heating element (20) located on the rear of the electrochromic mirror and in thermal contact with the electrochromic mirror wherein the mirror and the heating element are operated via the power provided by the vehicle voltage or the ignition voltage. As described in columns 5-7 and fig. 3, the mirror assembly comprises a control circuit having sensors whose outputs are used to control the reflectant level of the mirror and transistors, resistors, comparators, etc.... It is noted that a circuit branch from the vehicle voltage (V) to ground comprises a resistor (R24) and two transistors (Q1 and Q2) connected in series wherein the electrochromic having the heating element in connection thereof is connected in parallel to the transistor (Q2). As a result, the voltage used to control the electrochromic mirror having the heating element is less than the vehicle voltage (V) due to the heat dissipated by the presence of the resistor (R24) and the operation of the transistor (Q1). Schierbeek et al do not disclose that the heating element attached to the rear side of the mirror can use the resistor connected in series with the transistors for the purpose of heating the

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heating element so that the voltage across the electrochromic element is reduced to a level less than 2.5 volts.

However, it is known to one skilled in the art that an electrochromic element is operated in the range of less than 2.5 volts, and the use of a voltage divider consisting of a series resistor between a resistor and the electrochromic element to scale down the voltage provided to the electrochromic element is known to one skilled in the art. For instance, the use of an electrochromic element which is operated at a voltage level of less than 2 volts is provided by Schofield et al, see columns 20-21 and the use of a resistor for heating a heating element attached to the rear side of an electrochromic element is provided by Suzuki. Thus, it would have been obvious to one skilled in the art to modify the system provided by Schierbeek et al by using the resistor connected in series with the control unit as a heating means for heating the electrochromic element as suggested by Schofield et al and Suzuki for the purpose of reducing the voltage used to operate the electrochromic element and simultaneously reducing the components used in the system.

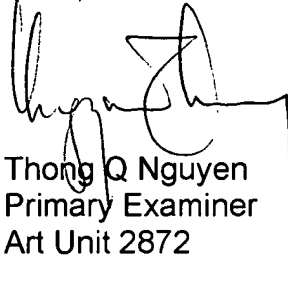
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q Nguyen
Primary Examiner
Art Unit 2872
